

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) MATTHEW R. VIANES)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-cv-00308-CVE-PJC
)	[District Court in and for Tulsa
(1) TULSA EDUCARE, INC.,)	County, Oklahoma
a Domestic Not for Profit)	Case No. CJ-2015-01721]
Corporation)	
)	
Defendant.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, Tulsa Educare, Inc. (“Educare”) hereby appears¹ and provides notice of its removal of this action pursuant to 28 U.S.C. § 1441 and § 1446 from the District Court of Tulsa County in the State of Oklahoma to the United States District Court for the Northern District of Oklahoma.

In support of the removal, Educare states as follows:

1. A Petition for alleged violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.* (“Title VII”); the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, *et seq.* (“ADEA”); and 42 U.S.C. §2000e, *et seq.* and 29 U.S.C. §216(b), has been filed and is pending in the District Court of Tulsa County in the State of Oklahoma, captioned Matthew R.

¹ In making its appearance, Educare reserves all rights and defenses including, but not limited to, jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim, failure to join an indispensable party, running of the statute of limitations, and Plaintiff’s inability to make out a prima facie case in support of his claims.

Vianes, Plaintiff, and Tulsa Educare, Inc., Defendant, No. CJ-2015-01721. *See*, Exhibit 1 Summons and Petition attached hereto.

2. The claims and allegations set out in Plaintiff's Petition arise under the laws of the United States, specifically under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.* ("Title VII"); the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, *et seq.* ("ADEA"); and 42 U.S.C. §2000e, *et seq.* and 29 U.S.C. §216(b)
3. The Court has original jurisdiction of the claims alleged in the Petition pursuant to 28 U.S.C. § 1331, and this action may, therefore, be removed by Defendant to this Court pursuant to 28 U.S.C. § 1441.
4. This Court will have supplemental jurisdiction over Defendant's potential counterclaims, pursuant to 28 U.S.C. § 1367, as these claims relate to and from the same case or controversy as Plaintiff's claims under the laws (Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.* ("Title VII"); the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, *et seq.* ("ADEA"); and 42 U.S.C. §2000e, *et seq.* and 29 U.S.C. §216(b)). The entire action is removable pursuant to 28 U.S.C. § 1441(c).
5. In compliance with 28 U.S.C. § 1446 and LCvR81.2, the Return of Summons is attached hereto as Exhibit 2 (Summons and Petition is attached hereto as Exhibit 1).

6. In accordance with LCvR81.2(a), the State Court Docket Sheet is attached hereto as Exhibit 3.
7. There is no presently pending discovery in this matter.
8. Written notice of removal shall be given to all adverse parties and a copy of this Appearance and Notice of Removal will be filed with the Clerk of the District Court of Oklahoma County in the State of Oklahoma, in accordance with 28 U.S.C. § 1446.
9. As set forth above and in footnote 1, Defendant expressly reserves all rights and defenses relating to Plaintiff's claims.

Dated this 2nd day of June, 2015.

Respectfully Submitted,

/s/ Erica Anne Dorwart

Erica Anne Dorwart, OBA No. 18367
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*Attorney for Defendant,
Tulsa Educare, Inc.*

CERTIFICATE OF MAILING

I hereby certify that on this 2nd day of June, 2015, I electronically transmitted the foregoing document to the Clerk of the Court using the email address CM-ECFIntake_OKND@oknd.uscourts.gov for filing and placed the same above and foregoing document in the U.S. mail, with proper postage pre-paid, addressed to the following:

Daniel E. Smolen
701 South Cincinnati Avenue
Tulsa, OK 74119
918-585-2667 (telephone)
918-585-2669 (fax)

/s/ Erica Anne Dorwart

Erica Anne Dorwart